



Entered on Docket
June 04, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

**USA Commercial Mortgage Company
06-10725 – Lead Case**

**USA Capital Realty Advisors, LLC
06-10726**

**USA Capital Diversified Trust Deed Fund,
LLC
06-10727**

**USA Capital First Trust Deed Fund, LLC
06-10728**

**USA Securities, LLC
06-10729**

Debtors.

Jointly Administered

Chapter 11 Cases

Judge Linda B. Riegle Presiding

Date: April 26, 2007

Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,
LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**ORDER SUSTAINING SECOND OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

1 The USACM Liquidating Trust (the "USACM Trust") filed its Second Omnibus
2 Objection to Claims Asserting Secured Status [DE 3135] (the "Objection") on March 20,
3 2007. Appropriate notice of the Objection was given. Responses to the Objection were
4 filed with this Court as follows:

- 5 • Reply to Objection to Proof of Claim filed by Erven T. Nelson, Bolick & Boyer
6 on behalf of Anderson Family Trust DTD 8/21/92, Gary B. & Barbara L.
7 Anderson, Trustees, Claim No. 10725-2301. The Stipulation is being prepared
8 to resolve the objection filed by Mr. Nelson.
- 9 • Objection filed by Guy Archer [DE 3515] as to Claim Nos. 10725-00831 and
10 10725-00832. Counsel is preparing a motion for summary judgment as to these
11 claims.

12 No other responses were filed with this Court. The Objection came before the
13 Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

14 ORDERED:

- 15 • Sustaining the USACM Trust's Second Omnibus Objection to Claims
16 Asserting Secured Status listed on Exhibit A attached;
- 17 • Reclassifying the Proofs of Claim listed on Exhibit A attached as general
18 unsecured claims; and
- 19 • Reserving the right of any party in interest, including the USACM Trust, to
20 further object to any and all claims listed on Exhibit A attached as unsecured claims or
21 otherwise, whether or not the subject of this Objection.

22 ###

23 PREPARED AND SUBMITTED:

24 **LEWIS AND ROCA LLP**

25 By: /s/ RC (#0006593)

26 Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

1 PREPARED AND SUBMITTED:

2 LEWIS AND ROCA LLP

3 By: /s/ RC (#0006593)

4 Susan M. Freeman

4 Rob Charles

5 Attorneys for USACM Liquidating Trust

6 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

7 In accordance with Local Rule 9021, the undersigned certifies:

- 8 ☐ The Court waived the requirements of LR 9021.
- 9 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have
10 appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- 11 ☐ approved the form of this order;
- 12 ☐ waived the right to review the order;
- 13 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 14 ☐ failed to sign and return this proposed order within five (5) business days in accordance with
15 LR 9021(b).
- 16 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at
17 the hearing regarding this matter and/or who filed a written objection and all have either approved the
18 form of this order, waived the right to review the order, failed to file and serve papers in accordance
19 with LR 9021(c) and the following have disapproved the form of the order:
- 20 ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none
21 required).

19 APPROVED/DISAPPROVED

20 

21 Erven T. Nelson

22 Bolick & Boyer, Attorneys for

22 Anderson Family Trust DTD 8/21/92, Gary B. & Barbara L. Anderson, Trustees

23 APPROVED/DISAPPROVED

24
25 _____
26 Guy Archer

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of LR 9021.
- 4 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 5 parties who have appeared at the hearing regarding this matter and/or who filed a
- 6 written objection and each has:
- 7 ☐ approved the form of this order;
- 8 ☐ waived the right to review the order;
- 9 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 10 ☐ failed to sign and return this proposed order within five (5) business days in
- 11 accordance with LR 9021(b).
- 12 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 13 parties who appeared at the hearing regarding this matter and/or who filed a written
- 14 objection and all have either approved the form of this order, waived the right to
- 15 review the order, failed to file and serve papers in accordance with LR 9021(c) and
- 16 the following have disapproved the form of the order:
- 17 ☐ No opposition was filed to the motion and no other party or counsel appeared at the
- 18 hearing (none required).

15 APPROVED/DISAPPROVED

17 Erven T. Nelson
18 Bolick & Boyer, Attorneys for
19 Anderson Family Trust DTD 8/21/92, Gary B. &
20 Barbara L. Anderson, Trustees

20 APPROVED/DISAPPROVED

21 
22 Guy Archer

24 LEWIS AND ROCA LLP

25 By: /s/ RC (#0006593)

26 Susan M. Freeman
Rob Charles

Attorneys for USACM Liquidating Trust

EXHIBIT A

**2nd Objection to Claims Asserting Secured Status -
Reclassify as General Unsecured Claims**

	<u>Claimant</u>	<u>Number</u>	<u>Date Filed</u>	<u>Amount</u>	<u>Classification</u>	<u>Certification Status</u>
1	Anderson IRA, Larry 13250 Mahogany Dr Reno, NV 89511	10725-00133	8/11/2006	\$300,000.00	S U - Unknown amount	
2	Anderson Trustee, Larry 13250 Mahogany Dr Reno, NV 89511	10725-00131	8/11/2006	\$50,000.00	S U - Unknown	
3	Anderson Ttee Of The Anderson Fmly Trust, Gary B & Barbara L Po Box 699 Carnelian Bay, Ca 96104	10725-02304	1/13/2007	\$500,000.00	S, U	
4	Anderson, Larry & Nancy 13250 Mahogany Dr Reno, NV 89511	10725-00132	8/11/2006	\$125,000.00	S U - Unknown amount	
5	Andrade, Albert Daniel Po Box 2122 Oakdale, CA 95361-5122	10725-01189	11/10/2006	\$100,912.00	S	
6	Andrade, Albert Daniel PO Box 2122 Oakdale, CA 95361-5122	10725-01399	11/3/2006	\$100,912.00	S	
7	Andrade, Albert Daniel Po Box 2122 Oakdale, CA 95361-5122	10725-01399	11/13/2006	\$100,912.00	S	
8	Andrea T Mancuso Family Limited Partnership Andrea Mancuso General Partner Po Box 981840 Park City, UT 84098-1840	10725-00533	10/10/2006	\$250,000.00	S	
9	Angeli, Emilio J & Christine E 9675 Irvine Bay Ct Las Vegas, NV 89147-8365	10725-00304	9/29/2006	\$23,574.24	S, U	
10	Anita Watson Living Trust Anita Watson 5309 Parsonage Ct Virginia Beach, VA 23455- 7101	10725-01311	11/13/2006	\$50,000.00	S	

11	Ann E Brant Survivors Trust Dtd 5/22/87 C/O Raymond F Brant Trustee PO Box 728 Diablo, CA 94528	10725-02066	1/11/2007	\$101,443.08	S, U
12	Anthony & Alicia Pasqualotto 1997 Trust Anthony & Alicia Pasqualotto Tr 5775 Duneville St Las Vegas, NV 89118-2726	10725-01398	11/13/2006	\$296,359.65	S, U
13	Apg Trust Dated 7/5/00 C/O Alex G Gassiot Ttee 3710 Clover Way Reno, NV 89509	10725-00153	8/14/2006	\$250,260.00	S
14	Apg Trust Dtd 7/5/00 C/O Alex G Gassiot Ttee 3710 Clover Way Reno, NV 89509	10725-00204	8/17/2006	\$350,260.00	S
15	Apigian Jt Ten, Larry & Leona 172 Woodland Rd Goldendale, WA 98620	10725-01962	1/10/2007	\$178,150.36	S, U
16	Arbogast, Suzanne L. 1005 W Buffington St Upland, CA 91784	10725-02130	1/11/2007	\$229,794.79	S, U
17	Archer, Guy 1725 Fairfield Ave Reno, NV 89509-3221	10725-00831	10/30/2006	\$37,005.78	S, U
18	Archer, Guy 1725 Fairfield Ave Reno, NV 89509-3221	10725-00832	10/30/2006	\$29,521.73	S
19	Archer, Sherry 2944 Pierce St San Francisco, CA 94123	10725-01916	1/10/2007	\$51,896.51	S
20	Arechiga, Albert 4800 Marconi Ave #137 Carmichael, CA 95608	10725-00266	9/26/2006	\$75,000.00	S

21	Arends Family Trust Joan Arends As Trustee 2310 Aqua Hill Rd Fallbrook, CA 92026	10725-01278	11/10/2006	\$100,000.00	S
22	Aronson, Lawrence J & Henrietta 21150 Point Pl Apt 606 Aventura, FL 33180-4034	10728-00050	9/27/2006	\$100,000.00	S
23	Arthur & Thelma Kebble Family Trust C/O Arthur & Thelma Kebble Ttees 9512 Salem Hills Ct Las Vegas, NV 89134-7883	10725-01177	11/10/2006	\$327,563.97	S, P, U
24	Audrey M Whightsil Revocable Living Tr Andrey M Whightsil Trustee 12754 Joleane Ave Yuma, AZ 85367	10725-01974	1/10/2007	\$65,751.19	S, U
25	Auffert, Eugene & Maria Teresa 534 Lambeth Ct Henderson, Nv 89014-3863	10725-01611	12/8/2006	\$55,000.00	S
26	Augustine Tuffanelli Family Trust Augustine Tuffanelli Ttee Thomas R Brooksbank Esq 689 Sierra Rose Dr Ste A2 Reno, NV 89511	10725-00089	8/6/2006	\$250,000.00	S
27	Aurora Investments Lp 2710 Harbor Hills Ln Las Vegas, NV 89117	10725-00185	9/5/2006	\$1,017,916.67	S
28	Averett, George Michael & Claire H 760 Little Sweden Rd Heber City, UT 84032-3503	10725-01101	11/8/2006	\$50,000.00	S
29	Ayers, C Donald PO Box 1769 Mammoth Lakes, CA 93546	10725-02160	1/12/2007	\$130,313.62	S, U
30	Baginski, Michael 12881 Knott St # 205 Garden Grove, Ca 92841	10725-01150	11/9/2006	\$288,283.00	S, P, U

31	Bakas-Halliday, Iona Po Box 39147 Ft Lauderdale, FL 33339	10725-00453	10/5/2006	\$50,000.00	S
32	Baker, Leonard & Barbara C/O Leonard & Barbara Baker 8520 Bayland Dr Las Vegas, NV 89134-8641	10725-01178	11/3/2006	\$140,000.00	S
33	Baker, Sigfried 8057 Lands End Las Vegas, NV 89117	10725-01628	12/6/2006	\$50,000.00	S
34	Baker, Sigfried 8057 Lands End Las Vegas, NV 89117	10725-01629	12/8/2006	\$50,000.00	S
35	Barashy, Nimrod 2868 Redwood St Las Vegas, NV 89146	10725-00979	11/3/2006	\$101,041.67	S
36	Barbara J Kewell Trust Dated 7/18/89 Frederick W Kewell Ttee 5426 Hidden Valley Ct Reno, NV 89502-9571	10725-01452	11/16/2006	\$50,439.42	S
37	Barcia, Daniel 1600 Picket Ct Reno, NV 89521	10725-00770	10/27/2006	\$13,961.00	S
38	Barcia, Daniel 1600 Picket Ct Reno, NV 89521	10725-02207	1/5/2007	\$225,000.00	S, U
39	Barcia, Daniel 1600 Picket Ct Reno, NV 89521	10725-02207	1/5/2007	\$225,000.00	S, U
40	Barroso, Pedro 3231 Cambridgeshire St Las Vegas, NV 89146	10725-00316	10/4/2006	Blank	S
41	Bartholomew Family Trust Larry & Karen Bartholomew Ttees Po Box 521	10725-00599	10/16/2006	\$83,333.33	S

American Fork, UT 84003-0521

42	Bartholomew Family Trust Larry B & Karen S Bartholomew Po Box 521 American Fork, UT 84003-0521	10725-00579	10/13/2006	\$83,333.33	S
43	Barzan Family Trust John C & Rosemarie A Barzan 1409 Morada Dr Modesto, CA 95350-0655	10725-02228	1/12/2007	\$126,821.52	S, U
44	Barzan, Richard D & Lelia J 7231 Langworth Rd Oakdale, CA 95361	10725-02227	1/12/2007	\$662,814.89	S, U
45	Bauer IRA, John 40808 N River Bend Rd Anthem, AZ 85086-2946	10725-01243	11/9/2006	\$500,000.00	S, U
46	Bauer, Timothy & Angela Donna M Osborn Esq Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	10725-00585	10/23/2006	\$60,000.00	S
47	Benjamin & Aleath Nicosia Family Trust Benjamin & Aleath Nicosia Ttees 15775 W Verde Ln Goodyear, AZ 85338-8124	10725-00704	10/24/2006	\$50,000.00	S
48	Benjamin & Aleath Nicosia Family Trust Benjamin & Aleath Nicosia Ttees 15775 W Verde Ln Goodyear, AZ 85338-8124	10725-00707	10/24/2006	\$100,000.00	S
49	Benjamin & Aleath Nicosia Family Trust Benjamin & Aleath Nicosia Ttees 15775 W Verde Ln Goodyear, AZ 85338-8124	10725-00710	10/24/2006	\$150,000.00	S